HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 11470 of 2007

Dated: 12-11-2007

Between:

M.Durga Malleswari Sirisha and 3 others.

..... PETITIC

AND

Government of Andhra Pradesh,
Rep., by its Secretary,
Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 11470 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to set aside the notification dated 18-05-2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") in respect of Acs.2.00 cents in R.S.No.538/2, Ac.2.12 cents in R.S.No.538/1, Ac.2.16 cents in R.S.No.538/1, Ac.2.16 cents in R.S.No.538/1 and Ac.1.00 in R.S.No.538/2 of Machilipatnam Town, Krishna District.

At the hearing, Sri V.V.L.N.Sarma, learned counsel for the petitioners stated that after filing of the writ petition, the respondents issued a notice under Section 5A of the Act on
09-07-2007 to submit their objections to the proposed acquisition and in response to the same, the petitioners submitted their objections on 09-07-2007. Learned counsel further stated that so far declaration under Section 6 of the Act has not been made.

As the enquiry under Section 5A of the Act is evidently not concluded, I deem it unnecessary to go into the merits of the writ petition. Respondent Nos. 2 and 3 are directed to consider the objections said to have been filed by the petitioners in response to the notice issued under Section 5A of the Act and afford the petitioners an opportunity of personal hearing and dispose of the objections before proceeding further under the provisions of the Act.

With the above observations, the writ petition is disposed of. It is needless to say that till the conclusion of the enquiry under Section 5-A of the Act, the petitioners shall not be dispossessed. No costs.

C.V.NAGARJUNA REDDY,J

Date: 12-11-2007
KLP